

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOSEPH CHARLES RHODES,

Defendant.

CR 18–54–BLG–DLC

ORDER

United States Magistrate Judge Timothy J. Cavan entered Findings and Recommendation in this matter on June 19, 2018. Neither party objected and therefore they are not entitled to *de novo* review of the record. 28 U.S.C. §

636(b)(1); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003).

This Court will review the Findings and Recommendation for clear error.

McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc., 656 F.2d 1309, 1313

(9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm

conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d

422, 427 (9th Cir. 2000).

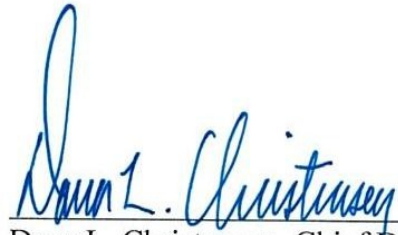
Judge Cavan recommended this Court accept Joseph Charles Rhodes’ guilty

plea after Rhodes appeared before him pursuant to Federal Rule of Criminal Procedure 11, and entered a plea of guilty to Counts I and II of the Indictment, which charge the crimes of distribution of child pornography in violation of 18 U.S.C. § 2252(a), and possession of child pornography, in violation of 18 U.S.C. § 2252A(a)(5)(B).

I find no clear error in Judge Cavan's Findings and Recommendation (Doc. 24), and I adopt them in full.

Accordingly, IT IS ORDERED that Joseph Charles Rhodes' motion to change plea (Doc. 18) is GRANTED and Joseph Charles Rhodes is adjudged guilty as charged in the Indictment.

DATED this 12th day of July, 2018.


Dana L. Christensen, Chief District Judge
United States District Court